

22

PTO/SB/61 (3-98)
 Approved for use through 09/30/2000. OMB 0651-0031
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
 UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
 LEN 101

First named inventor: M. Rigdon Lentz

Group Art Unit: 3762

Application Number: 09/083,307

Examiner: P. Bianco

Filed: May 22, 1998

Title: METHOD AND COMPOSITIONS FOR TREATMENT OF
 CANCERS

Attention: Office of Petitions
 Assistant Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (703)305-9282.

The above-identified application became abandoned for failure to receive a timely and proper reply to the Decision on Appeal
 mailed on 02/12/02, which set a 2 month/day period for reply. The abandonment date of this application
 is 04/15/02 (i.e., the day after the expiration date of the period set for reply plus any extensions
 of time obtained therefor).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed
 before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

- ☐ small entity - fee \$ _____ (37 CFR 1.17(l)).
- ☐ small entity statement enclosed herewith.
- ☐ small entity statement previously filed.
- ☐ other than small entity - fee \$ _____ (37 CFR 1.17(l)).

*** No fee is due; abandonment was caused by PTO error.**

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Response Under 37 C.F.R. 1.196(b) (identify the type of reply):

- ☒ has been filed previously on April 12, 2002.
- ☒ copy is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PETITIONS OFFICE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming a period equivalent to the number of months from the date of abandonment to the filing of this petition is enclosed herewith.

- 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed. An adequate showing that there was no delay in filing the required reply, and that abandonment was in error on the part of the PTO, is enclosed (see attached).**

8/23/02
Date

Patria L. Pabst
Signature

Telephone
Number: (404) 817-8473

Patria L. Pabst, Esq.
Typed or printed name

Holland & Knight LLP
2000 One Atlantic Center
1201 West Peachtree Street NE
Atlanta, Georgia 30309

- Enclosures: ☐ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Small Entity Status Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☒ Re-transmission of Response by fax on 06/06/02

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☒ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

8/23/02
Date

Pam Turnbough
Signature

Pam Turnbough
Typed or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY
UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

8/21/02
Date

P. L. Pabst
Signature

Patrea L. Pabst, Esq.

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

The Response to the Decision on Appeal (mailed February 12, 2002) was in fact timely filed by facsimile on April 12, 2002, and receipt was confirmed. Nevertheless, a Notice of Abandonment was mailed on May 31, 2002, stating the reason for abandonment to be that "the period for seeking court review of the decision has expired". Upon receipt of the Notice of Abandonment on June 6, 2002, the Response of April 12th was immediately re-transmitted by fax, and receipt was confirmed. Since June 6th, no communication from the PTO has been received. Telephone calls to the Examiner were made on July 25, 2002 and again on August 22, 2002, and were not returned.

(Please attach additional sheets if additional space is necessary)

* * * COMMUNICATION RESULT REPORT (JUN. 6. 2002 11:10AM) * * *

TTI HOLLAND & KNIGHT

TRANSMITTED/STORED JUN. 6. 2002 11:00AM

FILE MODE	OPTION	ADDRESS	RESULT	PAGE
4097 MEMORY TX		G3-AT:48473#077829#3#17033053590#	OK	58/58

703 5181 7/25/02 TC to Examiner:
left message reporting status
notice case is not abandoned
703 7/25/02 also left message for Patrick Brown
305 MR2 Refaxed entire response filed 4/12/02
8/22/2002 left another
message re. status p/p

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

E-2) BUSY
E-4) NO FACSIMILE CONNECTION

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AUG 23 2002

PETITIONS OFFICE

FACSIMILE**TO:**

Examiner Angela D. Sykes	Assistant Commissioner for Patents	703-305-3590
NAME	COMPANY/FIRM	FAX NUMBER
Washington	DC	703-308-5181
CITY	STATE	(TELEPHONE NUMBER)

FROM:

Patrea L. Pabst	404-817-8473	58
NAME	TELEPHONE	TOTAL PAGES (Including Cover Sheet)

FOR THE RECORD:

DATE: June 6, 2002 URGENCY: ☐ SUPER RUSH ☐ RUSH ☐ REGULAR

FAXED BY:

FILE #: 077829/00003

CLIENT NAME: LEN 101

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Examiner Angela D. Sykes	Assistant Commissioner for Patents	703-305-3590
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Patrea L. Pabst	404-817-8473	58
NAME	TELEPHONE	TOTAL PAGES (Including Cover Sheet)

FOR THE RECORD:

DATE: June 6, 2002	URGENCY: <input type="checkbox"/> SUPER RUSH	<input type="checkbox"/> RUSH	<input type="checkbox"/> REGULAR
FAXED BY:	FILE #: 077829/00003	CLIENT NAME: LEN 101	

CONFIRMED: ☐ YES ☐ NO

NAME:

TIME:

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the pages or find that they
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MESSAGE:

Applicant: M. Rigdon Lentz

Appeal No. 2001-2168

Serial No.: 09/083,307

Art Unit: 3762

Filed: May 22, 1998

Examiner: P. Bianco

For: **METHOD AND COMPOSITIONS FOR TREATMENT OF CANCERS**

Re-fax of Response filed via fax on 4/12/02

ATL1 #528199 v1

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/083,307	05/22/1998	M RIGDON LENTZ	LEN101	3835

7590

05/31/2002

PATREA L PABST
ARNALL GOLDEN & GREGORY
2800 ONE ATLANTIC CENTER
1201 W PEACHTREE STREET
ATLANTA, GA 303093450

EXAMINER

BIANCO, PATRICIA

ART UNIT

PAPER NUMBER

3762

DATE MAILED: 05/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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PETITIONS OFFICE

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JUN 06 2002

PATENT DEPT.

6/6/2002
Case not abandoned
re fax in response of amendment
they will notify case is
not abandoned
PR

Notice of Abandonment

Application No.

09/083,307

Examiner

Patricia M Bianco

Applicant(s)

LENTZ, M RIGDON

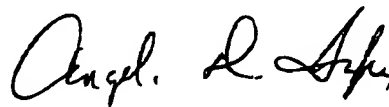
Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☒ The decision by the Board of Patent Appeals and Interference rendered on 2/12/02 and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



ANGELA D. SYKES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

703 308 5181

P. Bianco
5/24/02

703
305 1482

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 4.181, should be promptly filed to minimize any negative effects on patent term.

cd/clan left message for exam fax
703 305 3590

* * * COMMUNICATION RESULT REPORT (APR. 12. 2002 6:04PM) * * *

TTI HOLLAND & KNIGHT

TRANSMITTED/STORED APR. 12. 2002 5:55PM

FILE MODE	OPTION	ADDRESS	RESULT	PAGE
2512 MEMORY TX		G3-AT:48473#077829#00003#1703872930 3#	OK	56/56

FAX RECEIVED
AUG 23 2002
PETITIONS OFFICEREASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTIONJEAN HICKS
9Docketed for _____
By: QPS
Date: 5-7-02